

2002-03 Budget Message - Official Request

OFFICE OF THE PUBLIC DEFENDER, MICHAEL P. JUDGE, PUBLIC DEFENDER

Mission Statement

The Los Angeles County Public Defender protects the life and liberty of adults and children in matters having penal consequences. Our mandate is to ensure equal treatment within the justice system by safeguarding liberty interests and upholding rights of individuals.

2002-03 Budget Message - Official Request

This Official Request for FY 2002/03 contains all the requests necessary to address our critical unmet needs as described in the budget message for the base budget. It proposes a total of 59 additional funded positions and 41 upgraded positions. The total cost is \$ 7,519,203. Many of the items are extremely critical to the functioning of our office next year, such as the Proposition 36 and the court unification requests. If these are denied we will continue with our present levels of unavailability due to these causes. Although this presentation addresses our critical needs which are known at this time, there are new developments in the law such as the Andrade appellate decision which may have a future impact upon the department following California Supreme Court review. Also the Los Angeles City Attorney has recently announced two new policies. They will now review approximately 30,000 additional dependency cases annually for possible misdemeanor filings and they will file child endangerment charges against anyone who is charged with DUI and has children in the vehicle. In addition we may also be affected by other changes in prosecutorial policies, judicial attitudes, and unknown future changes in the law.

Strategic Planning

All of the requests in this Official Budget request relate to goals and strategies in the Countywide Strategic Plan. A reference to the specific plan provisions is given after the narrative description of each request.

Critical Needs

This request addresses all of our known critical needs:

Critical Unmet Needs - FY 2002-03

<u>Gross Appropriation</u>	<u>Revenue /IFT</u>	<u>Net County Cost</u>	<u>Budgeted Positions</u>
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Program Changes

1. \$ 676,222	\$ 0	\$ 676,222	5.0
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Additional positions to offset the impact of court unification - The following requested positions will enable to department to address currently known impacts of court unification:

<u>Position Requested:</u>	<u>Location of Unavailability:</u>	<u>Attributable to court unification plan in:</u>
Deputy Public Defender III	Central Felonies	Beverly Hills
Deputy Public Defender III	Lancaster	Lancaster
Deputy Public Defender III	Inglewood	Inglewood
Deputy Public Defender II	Long Beach	Norwalk
Deputy Public Defender II	Torrance	Alhambra

We have already moved to shift staff where possible, for example relocating attorneys to Downey from other locations within the Norwalk branch. We are currently declaring unavailability on 5 caseloads due to court unification but this will be eliminated through the approval of these five new positions. The cost of the private attorney fees for these cases is \$1,415,000 more than the cost of the additional positions.

Strategic Plan Reference: Goal #4, Fiscal Responsibility; Strategy 1, Manage effectively the resources we have.

2. \$ 434,125 \$ 0 \$ 434,125 3.0

Staffing for new courts opened as a result of Proposition 36 - Proposition 36, a law requiring probation and treatment as an alternative to incarceration in certain drug cases, was implemented in July 2001. As a result of the first six months experience, we have found that we can absorb much of the new workload resulting from this change, but in three locations new courts have been established for which we have no staff and are currently declaring unavailability. These courts are located in Compton, Citrus and Torrance. We are requesting three DPD III's and associated S+S (\$33,000) in order to eliminate unavailability caused by the staffing of these courts, which is more costly, by \$927,000, to the General Fund in payments to private attorneys who are now handling these cases.

Strategic Plan Reference: Goal #4, Fiscal Responsibility; Strategy 1, Manage effectively the resources we have.

3. \$ 436,728 \$ 0 \$ 436,728 4.0

Staffing and equipment for Chatsworth Court -- The new Chatsworth Court is expected to open during FY 2002/03. Most of the staff, but not all, will consist of attorneys and a secretary transferred from the San Fernando office. But the San Fernando office is so lightly staffed with secretarial help (3 secretaries for 26 attorneys and 4 investigators) that a backfill must be made at the San Fernando office. We must transfer an experienced LOSA from San Fernando to Chatsworth as it is a one-secretary location at this time (barring changes in plans by the judges) and hire a new secretary to train at San Fernando. We need a DPD II and a Senior Paralegal in order to compensate for the loss of economy of scale of the misdemeanor caseload, part of which will remain at San Fernando with all felony preliminary hearings and part of which will be handled in a new misdemeanor court in Chatsworth. We also require an additional DPD III to act as the Deputy in Charge at the Chatsworth Court. This request is therefore for a DPD III, DPD II, Senior Paralegal, and a LOSA II. We also will need a photocopier, a fax machine and a legal library. These one-time costs are included in the cost estimate above (\$74,000 S+S). We have not addressed increased building operations costs for this additional office location as they are unknown at this time.

Strategic Plan Reference: Goal #3 Organizational Effectiveness; Strategy 2 Improve internal operations and Goal #4 Fiscal Responsibility, Strategy 1, Manage effectively the resources we have.

4. \$ 1,305,057 \$ 0 \$ 1,305,057 12.0

Augment Investigator staff to reflect increase in workload -- This request is for 12 additional Investigator II items to handle the increased workload caused by police and prosecutorial misconduct. Many more cases must now be investigated in terms of the conduct of the arresting officers, not just the crime alleged. Therefore, there has been a 10.5% increase in hours worked in FY 1999/00 as compared to the previous year and a further increase in hours of 8.7% when comparing FY 2000/2001 to FY 1999/00. While the total workload has thus increased 19.2% over two years, this request for 12 investigators represents a 16.7% increase in staff availability. In addition the effect of Public Defender declared unavailability must be considered. Currently the office is unavailable on 19 caseloads, but it was as high as 36 during the period. If full staffing is available in

FY 2002/03, there will be a considerable additional increase in investigator workload due to the increase in the number of cases handled by our office.

Strategic Plan Reference: Goal #3, Organizational Effectiveness; Strategy 2, Improve internal operations

5. \$ 309,443 \$ 0 \$ 309,443 3.0

Augmentation of Data Systems Staff -- An additional three Data Systems Coordinators are essential to provide needed technical support to the 1009 budgeted positions. We currently have 10 technical positions and one secretary in our Data Systems unit. The additional three positions would provide a ratio of 1:77 in technical positions to users. The District Attorney has a ratio of 1:40 and the County Counsel, 1:39. The Gartner Group recommends 1:50. These positions are needed to help maintain our network of 1,170 PC's, install new PC's and peripherals, and maintain and improve our existing applications.

Strategic Plan Reference: Goal #4, Fiscal Responsibility; Strategy 1, Manage effectively the resources we have.

6. \$ 309,191 \$ 0 \$ 309,191 4.0

Need for Administrative Staffing -- In the period from FY 1995/96 to the present time, the number of attorneys in our budget has increased from 562 to 646, a 15% increase. During the same period our already overburdened administrative staff has not been provided with any additional budgeted positions. In addition, the complexity of fiscal and personnel administration has continued to grow, including emphasis on such areas as employment discrimination claims, immigration status, criminal records checks, Americans with Disabilities Act issues, claims against the County by former clients, and grant and contract administration. The following positions are requested:

Executive Assistant - to assist executive management in grievances, discrimination complaints, sensitive personnel issues, and coordination of civil litigation.

Head Departmental Personnel Technician to handle risk management, Americans with Disabilities Act issues, Family Medical Leave Act and Workers Compensation cases, return to work issues, union and employee relations, and the illness prevention program.

Senior Departmental Personnel Technician -- to handle our Examination, Recruitment and Classification unit which currently has only one budgeted position (Departmental Personnel Technician) to handle the heavy workload associated with recruitment and examinations. Additional manpower is needed to address the examination workload and to address classification studies which are now backlogged. This position has been requested in the last four years' budget requests. One position is not enough to handle the workload associated with recruitment and examinations for 1,000 people. We have surveyed other departments of similar size and found that the minimum staffing in each is at least two positions. In order to retain our qualified staff, we must be able to provide timely hiring and promotions when vacancies occur, or risk losing our staff to competing agencies which can provide promotional opportunities.

Administrative Assistant I - to coordinate responses to claims filed by former clients, perform the day-to-day administration of contracts and grants, and handle ad-hoc reports to the Board and the CAO.

Strategic Plan Reference: Goal # 2, Workforce Excellence; Strategy 1, Recruit, develop and retain dedicated and productive employees.